

~~ORDER~~

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11	WILBERT NOBLE,)	No. C 06-7114 RMW (PR)
12	Petitioner,)	
13	v.)	ORDER AFTER REMAND RE-OPENING
14	WARDEN DARREL G. ADAMS,)	CASE; APPOINTING COUNSEL
15	Respondent.)	
16	_____)	

This is a habeas action under 28 U.S.C. § 2254. On August 12, 2008, the court granted respondent's motion to dismiss petitioner's petition as untimely, and closed the case. On April 19, 2012, the Ninth Circuit Court of Appeals vacated and remanded the case back to this court. For the reasons that follow, the court re-opens this case, and sua sponte appoints counsel for petitioner.

The Sixth Amendment right to counsel does not apply in habeas corpus actions. Knaubert v. Goldsmith, 791 F.2d 722, 728 (9th Cir. 1986). However, 18 U.S.C. § 3006A(a)(2)(B) authorizes a district court to appoint counsel to represent a habeas petitioner whenever "the court determines that the interests of justice so require" In this case, the court finds this action sufficiently complex to warrant the appointment of counsel. Accordingly, this matter is **REFERRED** to the Federal Public Defender to find representation for petitioner.

1 The clerk of the court is directed to provide a copy of this order to the Office of the
2 Federal Public Defender. Upon being notified by the Office of the Federal Public Defender that
3 an attorney has been located to represent petitioner, the court will appoint that attorney as
4 counsel for petitioner. All further proceedings in this action except those related to appoint of
5 counsel are hereby **STAYED**.

6 IT IS SO ORDERED.

7 DATED: 1 1 11


RONALD M. WHYTE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

WILBERT NOBLE,

Plaintiff,

v.

DERRAL G ADAMS et al,

Defendant.

Case Number: CV06-07114 RMW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 7, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

James Bradley O'Connell
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Federal Public Defender's Office
San Jose Office

Dated: June 7, 2012

Richard W. Wieking, Clerk
By: Jackie Lynn Garcia, Deputy Clerk